

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 95-090

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY  
GUADALUPE RUBBISH DISPOSAL COMPANY  
SAN JOSE, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board) finds that:

1. The Regional Board on October 17, 1990, issued updated Waste Discharge Requirements (Order No. 90-139) to Guadalupe Rubbish Disposal Company (Guadalupe Disposal). Based on a January 12, 1995 Board staff inspection, Guadalupe Disposal violated Prohibition 8 of Order No. 90-139 on January 10, 1995 and January 12, 1995 by discharging leachate to waters of the State or the United States. Prohibition 8 of Waste Discharge Requirement Order No. 90-139 states that "Leachate from wastes and ponded water containing leachate or in contact with refuse shall not be discharged to waters of the State and United States." On January 11, 1995 Guadalupe Disposal also violated Section F.2.A of the Self-Monitoring Plan of Order No. 90-139 for not reporting the initial leak. Section F.2.A of the Self Monitoring Plan of Order No. 90-139 states that "...a report shall be made by telephone of any seepage from the disposal area immediately after it is discovered. A written report shall be filled with the Board within five days." Lastly, Guadalupe Disposal violated Provision 20 of Order No. 90-139 by allowing numerous angular rocks to be in direct contact and potentially puncture the geomembrane liner.
2. The Executive Officer issued Complaint No. 95-044 to Guadalupe Disposal on March 16, 1995. The Complaint proposed that administrative civil liability be imposed by the Regional Board in the amount of \$23,820 including \$3,820 for staff costs, pursuant to California Water Code Section 13385. Since the complaint was issued, Guadalupe Disposal has not waive the public hearing.
3. This Order imposes administrative civil liability of \$23,820.
4. The Board has fully considered the factors set forth for determination of the amount of civil liability set forth in Water Code Section 13327.
5. This action is an order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of CEQA pursuant to Section 15321 of the Resources Agency Guidelines.
6. On April 19, 1995, the Board conducted a public hearing at which Guadalupe Disposal appeared, and evidence was received concerning Guadalupe Disposal.

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IT IS HEREBY ORDERED, PURSUANT TO CALIFORNIA WATER CODE SECTION 13385, that Guadalupe Disposal is civilly liable for this violation and shall pay administrative liability in the amount of \$23,820 for the above violations. This liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this order.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 19, 1995

  
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Steven R. Ritchie  
Executive Officer